

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: John T. Marcellus, Jr.
Jessica L. Marcellus

Case No.: 17-28350
Judge: ABA

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: 12/19/17

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney _____ Initial Debtor: JTM _____ Initial Co-Debtor JLM _____

Part 1: Payment and Length of Plan

a. The debtor shall pay 250.00 Monthly to the Chapter 13 Trustee, starting on ____ for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property:
Description:
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Brad J. Sadek, Esquire	Attorney Fees	1,955.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

- ☒ None
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Roundpoint Mortgage	56 Stonemill Way Swedesboro, NJ 08085 Gloucester County	9,600.36	0.00	9,600.36	3,200.12

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Ocwen Loan Servicing	21 Adams Street Logan Township, NJ 08085 Gloucester County	152,982.00	0.00
Wells Fargo Bank Nv Na	21 Adams Street Logan Township, NJ 08085 Gloucester County	152,982.00	0.00

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
American Honda Finance	\$365.14	Vehicle	Assumed	365.14
American Honda Finance	\$638.06	Vehicle	Assumed	613.00

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**
The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims

6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____

Explain below **why** the plan is being modified: _____

Explain below **how** the plan is being modified: _____

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date 12/19/17

/s/ Brad J. Sadek, Esquire

Brad J. Sadek, Esquire

Attorney for the Debtor

Date: 12/19/17

/s/ John T. Marcellus, Jr.

John T. Marcellus, Jr.

Debtor

Date: 12/19/17

/s/ Jessica L. Marcellus

Jessica L. Marcellus

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date 12/19/17

/s/ Brad J. Sadek, Esquire

Brad J. Sadek, Esquire

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 12/19/17

/s/ John T. Marcellus, Jr.

John T. Marcellus, Jr.

Debtor

Date: 12/19/17

/s/ Jessica L. Marcellus

Jessica L. Marcellus
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 John T. Marcellus, Jr.
 Jessica L. Marcellus
 Debtors

Case No. 17-28350-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 40

Date Rcvd: Dec 20, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2017.

db/jdb
 cr +John T. Marcellus, Jr., Jessica L. Marcellus, 56 Stonemill Way, Swedesboro, NJ 08085-1861
 +HSBC Bank USA, N.A., Robertson, Anschutz & Schneid P.L., 6409 Congress Ave. Suite 100,
 Boca Raton, FL 33487-2853
 517126792 Absolute Resolutions Investments, LLC, c/o Five Lakes Agency, Inc., P.O. Box 80730,
 Rochester, MI 48308-0730
 517058570 +Ar Resources Inc, Bankruptcy, Po Box 1056, Blue Bell, PA 19422-0287
 517058571 +Capital One, Attn: Bankruptcy, Po Box 30253, Salt Lake City, UT 84130-0253
 517196770 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 517058575 +Chase Card, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
 517058577 +Citibank/The Home Depot, Citicorp Cr Svcs/Centralized Bankruptcy, Po Box 790040,
 S Louis, MO 63179-0040
 517058578 +Citicards Chna, Citicorp Credit Svc/Centralized Bankrupt, Po Box 790040,
 Saint Louis, MO 63179-0040
 517058581 +Comenity Bank/Victoria Secret, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
 517058580 +Comenity Bank/nwyrk&co, 220 W Schrock Rd, Westerville, OH 43081-2873
 517145842 Credit First NA, PO Box 818011, Cleveland, OH 44181-8011
 517058583 +Credit First National Assoc, Attn: BK Credit Operations, Po Box 81315,
 Cleveland, OH 44181-0315
 517199842 Educational Credit Management Corporation, P.O. Box 16408, St. Paul, MN 55116-0408
 517058585 +Gloucester County Special Civil Part, 1 N Broad St, Woodbury, NJ 08096-4602
 517058589 Ocwen Loan Servicing, 1661 Washington Road, Suite 100, West Palm Beach, FL 33414
 517058591 +Roundpoint Mortgage, 5032 Parkway Plaza Blvd, Charlotte, NC 28217-1934
 517058592 Sunterra Financial Srv, Inc, Attn: Bankruptcy, 3865 W Cheyenne Ave, Las Vegas, NV 89135
 517058597 +Target, C/O Financial & Retail Svcs, Mailstopn BT POB 9475, Minneapolis, MN 55440-9475
 517058598 +Tnb-Visa (TV) / Target, C/O Financial & Retail Services, Mailstop BV PO Box 9475,
 Minneapolis, MN 55440-9475
 517058599 +Wells Fargo Bank Nv Na, Po Box 31557, Billings, MT 59107-1557
 517117634 Wells Fargo Bank, N.A., 1 Home Campus X2303-01A, Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 20 2017 21:48:41 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Dec 20 2017 21:48:40 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517058568 E-mail/Text: ebnbankruptcy@ahm.honda.com Dec 20 2017 21:48:44 American Honda Finance,
 Po Box 168088, Irving, TX 75016
 517074653 E-mail/Text: ebnbankruptcy@ahm.honda.com Dec 20 2017 21:48:44
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,
 Irving, TX 75016-8088
 517058574 +E-mail/Text: bkr@cardworks.com Dec 20 2017 21:48:28 Cardworks/CW Nexus, Attn: Bankruptcy,
 Po Box 9201, Old Bethpage, NY 11804-9001
 517058584 +E-mail/PDF: creditonebknotifications@resurgent.com Dec 20 2017 21:41:23 Credit One Bank Na,
 Po Box 98873, Las Vegas, NV 89193-8873
 517058586 +E-mail/Text: bnckohlsnotices@becket-lee.com Dec 20 2017 21:48:31 Kohls/Capital One,
 Kohls Credit, Po Box 3043, Milwaukee, WI 53201-3043
 517216156 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 20 2017 21:41:38
 LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517058587 +E-mail/Text: bk@lendingclub.com Dec 20 2017 21:48:48 Lending Club Corp, 71 Stevenson St,
 Suite 300, San Francisco, CA 94105-2985
 517216080 E-mail/Text: bkr@cardworks.com Dec 20 2017 21:48:28 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 517058588 +E-mail/Text: helen.ledford@nrsagency.com Dec 20 2017 21:48:55 Natiowide Recovery Service,
 Po Box 8005, Cleveland, TN 37320-8005
 517180948 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 20 2017 21:54:00
 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.A., POB 41067,
 Norfolk VA 23541
 517058590 +E-mail/Text: bankruptcy@prosper.com Dec 20 2017 21:48:48 Prosper Marketplace Inc,
 101 2nd St Fl 15, San Francisco, CA 94105-3672
 517059254 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2017 21:41:21 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 517058593 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2017 21:41:21 Synchrony Bank/ JC Penneys,
 Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001
 517058594 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2017 21:41:21 Synchrony Bank/ Old Navy,
 Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001
 517058595 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2017 21:41:58 Synchrony Bank/Lowes,
 Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-5060
 517058596 +E-mail/PDF: gecsedirecoverycorp.com Dec 20 2017 21:41:36 Synchrony Bank/Sams,
 Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-5060

TOTAL: 18

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 40

Date Rcvd: Dec 20, 2017

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517058569* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: American Honda Finance, Po Box 168088, Irving, TX 75016)
517058572* +Capital One, Attn: Bankruptcy, Po Box 30253, Salt Lake City, UT 84130-0253
517058573* +Capital One, Attn: Bankruptcy, Po Box 30253, Salt Lake City, UT 84130-0253
517058576* +Chase Card, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298
517058579* +Citicards Cbna, Citicorp Credit Svc/Centralized Bankrupt, Po Box 790040,
Saint Louis, MO 63179-0040
517058582* +Comenity Bank/Victoria Secret, Attn: Bankruptcy, Po Box 182125, Columbus, OH 43218-2125
517213736* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.a.,
POB 41067, Norfolk VA 23541)

TOTALS: 0, * 7, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 22, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 19, 2017 at the address(es) listed below:

Brad J. Sadek on behalf of Joint Debtor Jessica L. Marcellus brad@sadeklaw.com,
bradsadek@gmail.com
Brad J. Sadek on behalf of Debtor John T. Marcellus, Jr. brad@sadeklaw.com, bradsadek@gmail.com
Denise E. Carlon on behalf of Creditor First Guaranty Mortgage Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Miriam Rosenblatt on behalf of Creditor HSBC Bank USA, N.A. bkyecf@rasflaw.com,
mrosenblatt@rasflaw.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7